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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,647	10/06/2003	Daniel Simoen	KOB	7814

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EXAMINER	
EVANS, GEOFFREY S	

ART UNIT	PAPER NUMBER
1725	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,647	Applicant(s) SIMOEN, DANIEL	
	Examiner Geoffrey S. Evans	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5-8* is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claim 1 recites a method of manufacturing components with an intended use that the components be used in a weaving machine. Since the language "weaving machine" is found only in the preamble, and is not necessary to breath life and meaning into the claims, it has not been given patentable weight.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bowen in U.S. Patent No. 4,476,900. Bowen discloses a part (heddle rod 16) made of two parts, part "a" being made of tempered carbon or stainless steel (see column 3,line 1) and part "B" made of a thermoplastic or dissimilar lightweight metal such as aluminum (see column 3,lines 5-8). Clearly Aluminum is made in a different process than steel and has different mechanical and magnetic properties than steel, and each has different functional requirements in the component (part "B" to absorb noise; see column 4, lines 9-14).

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sos et al. in U.S. patent No. 4,817,399. Sos et al. discloses two parts being made separately (see column 7,lines 4-60 that have different shape properties for use in a textile machine, and are laser welded together (see column 7,line 55).

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bowen et al. in U.S. patent No. 4,404,995. Bowen et al. discloses welding extruded aluminum slats (see column 3,lines 17-18) to studs (made of stainless steel to resist corrosion; see column 3,line 48) to form part of a component.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sos et al. in U.S. Patent No. 4,817,399 in view of Ferrara in U.S. Patent No. 3,464,163. Ferrara teaches finishing parts by using a vibrating drum (see column 1,lines 46-48). It would have been obvious to adapt Sos et al. in view of Ferrara to provide this to polish and deburr the parts.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in U.S. Patent No. 4,476,900 in view of Baumann in U.S. Patent No. 5,297,589. Baumann in U.S. Patent No. 5,297,589 teaches the equivalence of bonding elements by laser welding, rivets or screws (see column 3,line 64 to column 4,line 4). It would have been obvious to adapt Bowen in view of Baumann to provide this as an equally effective way of bonding the elements of the heddle rod 16 together.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in U.S. Patent No. 4,476,900. The size of the heddle is considered a matter of design

choice depending upon the size of the other components in a weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in U.S. Patent No. 4,404,995. The size of the heddle is considered a matter of design choice depending upon the size of the other components in a weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sos et al. in U.S. Patent No. 4,817,399. The size of the heddle is considered a matter of design choice depending upon the size of the other components in a weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

12. Applicant's arguments filed 19 June 2006 have been fully considered but they are not persuasive. Applicant argues that "Bowen '900 discloses that layers A and B, cited by the examiner, are secured together under pressure and heated to cause B layer to melt and stick to the outer layer A (Col. 3,lines 4-10)". The actual language in column 3,lines 8-10 states "The layers are secured together under pressure and heated to cause the plastic material to soften and adhere to outer layers A." This language only refers to the embodiment in which layer B is a thermoplastic and not the embodiment in which B is aluminum. Before bonding layer B and element A are separate parts. Applicant's arguments regarding Bowen et al. (U.S. Patent No. 4,508,145) on page 6 of

the Remarks are persuasive. Applicant's arguments regarding the rejection of claims 1 and 3 of the Sos et al. (U.S. Patent No. 4,817,399) reference are not persuasive. The instant application discloses using laser welding to prevent changes in the cross sectional area when bonding. Since Sos et al. discloses using laser welding (see column 7,line 55) it also must have this characteristic. Applicant's arguments regarding the Krzys et al. (U.S. Patent No. 5,828,032) and the Wagner et al. (U.S. patent No. 5,809,647) references are persuasive. Applicant's arguments regarding the rejection of claim 1 by the Bowen et al. (U.S. Patent No. 4,404,995) reference are unpersuasive. Bowen et al. disclose using welding two parts together to form a weaving machine component. Bowen et al. (995) note that the problem with rivets is ".. the rivet is of a fixed length and amount. If any of these dimensions are beyond the acceptable tolerances, the rivet material either fills the opening to much or too little." In column 1,lines 47-49. Bowen et al. later states that "an important object of the present invention is to provide a heddle frame wherein the heddle rod is provided with a smooth, unbroken face ensuring free travel of the heddles and reduced wear." in column 2,lines 9-12. Therefore by using welding, Bowen et al. prevents any increase in the cross-sectional area of the parts. There are no limitations in claims 1-4 of the bonding being accomplished linearly or perpendicularly. Regarding the 103 rejection of claim 2 by Sosa et al. and Ferrara, the motivation to combine the references is stated in the rejection above. Applicant's argument that the knitting tool of Sos is long and narrow and not suitable for vibratory drum finishing as no evidentiary support and is not understood since Applicant's tool is also long and narrow. Applicant's arguments

regarding the 103 rejection of claim 3 by Bowen (900) in view of Baumann (589) are not persuasive. The arguments about the Bowen (900) reference are addressed above. The motivation to adapt Bowen in view of Baumann (589) is by the doctrine of equivalents since the method of welding and laser welding are disclosed as equivalent by Baumann (589). The rejection of claim 4 by various references in view of the size of the heddle as a matter of design choice is supported by case law. The argument that the size prevents using "cheaper methods of manufacturing and finishing" is not persuasive since it is already known to be desirable to have components with smooth unbroken face in a heddle (see Bowen et al. (995)).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Claims 5-8 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-

272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1300.

GSE

Geoffrey S. Evans
Primary Examiner
Group 1700